

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No. 15 CR 526-1
)	
THADDEUS JIMENEZ)	Judge Harry D. Leinenweber
)	

**MOTION OF THE UNITED STATES FOR ENTRY OF
PRELIMINARY ORDER OF FORFEITURE**

The United States of America, through ZACHARY T. FARDON, United States Attorney for the Northern District of Illinois, moves for entry of a preliminary order of forfeiture as to specific property pursuant to the provisions of Title 18, United States Code, Section 924(d)(1), Title 28, United States Code, Section 2461(c) and Fed. R. Crim. P. 32.2, and in support thereof submits the following:

1. On August 26, 2015, an indictment was returned charging defendant THADDEUS JIMENEZ in Count One, having previously been convicted of a crime punishable by a term of imprisonment exceeding one year, with illegally possessing a firearm, pursuant to the provisions of 18 U.S.C. § 922(g)(1).

2. The indictment sought forfeiture to the United States of certain property pursuant to the provisions of 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c).

3. On June 22, 2016, defendant THADDEUS JIMENEZ entered a voluntary plea of guilty to Count One of the indictment, thereby making certain property named in the indictment subject to forfeiture pursuant to the provisions of 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c).

4. Pursuant to the terms of the plea agreement, defendant THADDEUS JIMENEZ has agreed to the entry of a preliminary order of forfeiture relinquishing any right, title or interest he has in one Kimber, Sapphire model, .380 caliber semiautomatic pistol, bearing serial number

P0007477, and associated ammunition, pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c) for disposition according to law.

5. Pursuant to Fed. R. Crim. P. 32.2(b)(2)(B), unless doing so is impractical, the court must enter the preliminary order of forfeiture sufficiently in advance of sentencing to allow the parties to suggest revisions or modifications before the order becomes final as to the defendant at sentencing.

6. In accordance with this provision, the United States requests that this Court enter a preliminary order of forfeiture against defendant THADDEUS JIMENEZ as to the foregoing firearm and associated ammunition pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c) because the property was involved in Count One of the indictment.

7. Pursuant to the provisions of 21 U.S.C. § 853(g), as incorporated by 28 U.S.C. § 2461(c), upon entry of this preliminary order of forfeiture, the Bureau of Alcohol, Tobacco, Firearms and Explosives shall seize and take custody of the foregoing property for disposition according to law, including destruction.

8. Further, pursuant to the provisions of 21 U.S.C. § 853(n)(1), as incorporated by 28 U.S.C. § 2461(c), upon entry of a preliminary order of forfeiture, the United States shall publish notice of this order and of its intent to dispose of the foregoing property according to law. The government may also, pursuant to statute, to the extent practicable, provide written notice to any person known to have alleged an interest in the property that is the subject of the preliminary order of forfeiture. The government is unaware, at this time, of anyone who qualifies for such notice.

9. Further, pursuant to the provisions of 21 U.S.C. § 853(n)(2), as incorporated by 28 U.S.C. § 2461(c), if following notice as directed by this Court, and 21 U.S.C. § 853(n)(1), as

incorporated by 28 U.S.C. § 2461(c), any person, other than the defendant, asserts an interest in the property that has been ordered forfeited to the United States, within thirty days of the final publication of notice or this receipt of notice under paragraph eight (8), whichever is earlier, and petitions the Court for a hearing to adjudicate the validity of this alleged interest in the property, the government shall request a hearing. The hearing shall be held before the court alone, without a jury.

10. The United States requests that the terms and conditions of this preliminary order of forfeiture entered by this Court be made part of the sentence imposed against defendant THADDEUS JIMENEZ and included in any judgment and commitment order entered in this case against him.

WHEREFORE, pursuant to the provisions of 18 U.S.C. § 924(d)(1), 28 U.S.C. § 2461(c), and Fed. R. Crim. P. 32.2, the United States requests that this Court enter a preliminary order of forfeiture as to one Kimber, Sapphire model, .380 caliber semiautomatic pistol, bearing serial number P0007477, and associated ammunition, in accordance with the draft preliminary order of forfeiture which is submitted herewith.

Respectfully submitted,

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